

Atty Dkt: IDF 1499

Patent
4000-02500**REMARKS**

Claims 1-25 are currently pending in this Application. By the office action of 01/16/2004, the Examiner has rejected Claims 1-25 on various grounds discussed below. The Applicant respectfully traverses these rejections. Reconsideration is requested.

Office Action Section 1:

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Bridger U.S. Patent 6,272,209 in view of the Garland U.S. Patent 5,394,461. The Examiner alleges that it would have been obvious "...to modify the invention of Bridger to alert CPE as taught by Garland for the purpose of notifying customers that power has been temporarily shut off."

The Applicant submits that there is no teaching in the references, individually or in combination, which would suggest to one skilled in the art that their teachings would desirably be combined to provide the teaching of the present Application. In addition, the Applicant submits that there is no combination of the cited references which would correspond to or make obvious the presently claimed invention.

The present invention is an improvement of, or addition to, a customer premises integrated services hub, ISH. This ISH provides telephony services to customer premises telephone receivers by connecting them to a wide area network. It does not provide connections to POTS, plain old telephone service. Since POTS is not available, the ISH must be provided with electrical power to operate. Under normal circumstances, this power is provided by a power supply in the ISH which is connected

Atty Dkt: IDF 1499

Patent
4000-02500

to the standard AC power circuit in the customer premises. Since that connection or circuit may fail for various reasons, a backup power supply, e.g. a battery, is included in the ISH to provide power during AC power failure. However, the backup supply has a limited amount of power and therefore can provide power for the ISH for only a limited time. The present invention is directed to a system for notifying the customer using a telephone at the customer premises when AC power has failed, so that the customer can reduce his usage to conserve battery power, and take action to restore AC power, which may be as simple as plugging in a cord which has been accidentally unplugged or resetting a circuit breaker. In similar fashion, the present invention is directed to notifying the user in the event that the wide area network connection has been lost.

The references cited by the Examiner are directed to different types of telephone systems and/or solutions to different types of problems.

Bridger is directed to a form of customer premises equipment, CPE, which is similar to the ISH. It does connect customer premises telephone receivers to central office, CO, equipment. However, it is a dual system, having two alternate connections to the CO. It has both a POTS connection and a DSL connection, but uses only one at any given time. The DSL portion of the system must be connected to a power supply in the customer premises equipment. The POTS service is powered from the local office through the local loops, i.e. the wire pairs extending from the CO to the customer premises, and does not need a power source from or in the customer premises. The POTS connection is considered a backup to the preferred DSL connection and is used only when the AC power at the customer premises fails. In the Bridger system, the DSL portion of the system is powered by a power supply in the customer premises

Atty Dkt: IDF 1499

Patent
4000-02500

equipment connected to the AC circuit in the customer premises. However, Bridger does not provide a backup power system, e.g. battery, in the event that the AC power circuit fails. Instead, when AC power at the customer premises fails, the Bridger system simply connects the customer premises telephone lines, or at least one of them, directly to the local loop and therefore to the POTS service, which provides its own power over the local loop to the telephone receivers, but not enough power to operate the DSL circuits.

As noted above, the present invention is part of a different type of customer premises equipment, which does not have or rely on POTS service for backup. In practice, the local telephone companies do not want to provide the equipment needed for POTS service to be used only as a backup service. The present invention is directed to a practical system where backup power must be provided at the customer premises in case of loss of AC power at the customer premises.

Garland relates to telephone systems in general, but otherwise has no connection to either Bridger or the present invention. Garland uses a POTS telephone system as part of a remote control and monitoring system. The system allows an Enhanced Service Provider, ESP, to remotely control equipment on the customer premises and/or to collect information from such equipment. For example, a power company may use the system to read the electric meter at the customer premises. Or the power company may remotely turn off the customer's air conditioner to reduce power consumption at times of peak loads. The system intentionally does not ring the telephone since meter reading, power shedding, etc. is all done automatically without any action on the part of the customer. There is no need to disturb the customer. If the

Atty Dkt: IDF 1499

Patent
4000-02500

customer picks up the telephone while the ESP is communicating with equipment on the customer premises, the ESP is disconnected so that the customer can place a call. The customer is not even notified that the ESP is using the telephone line.

The CPE of Garland is not a DSL system. Instead it is merely an analog, i.e. POTS, system. See Col. 2, lines 40-45. The customer premises equipment connected to "the analog customer line" includes "an analog voice station" (i.e. telephone), "an answering machine", and "an analog display station interface" (specified as meeting various "Analog Display Services" specifications). The telephone connection to the customer premises does not depend on AC power from the customer premises and has no battery backup. Loss of power at the customer premises does not affect the telephone service, so there is no reason to monitor power to the phone system and warn the customer of loss of power (which cannot occur).

With reference to Col. 14, lines 52-54 and Col. 15, lines 27-29 the Examiner alleges that: "Garland allows service providers to notify CPE that service is interrupted until further notice." At the cited locations, Garland teaches that its system can be used to send a voice message over the telephone lines from the an Enhanced Service Provider, ESP, to the customer informing the customer of an action which has been taken, for example, "Your air conditioner has been turned off and will be restored at 11:00 AM." This means that the telephone system is being used for its intended purpose of transmitting a voice message. It has nothing to do with loss of power to a DSL type phone system (which Garland does not use) and the message does not suggest or require that the customer take any action to conserve power to his telephone system, since there is no power loss problem in the telephone system.

Atty Dkt: IDF 1499

Patent
4000-02500

With reference to Columns 17-18, the Examiner alleges that: "Garland even indicates to customer that battery is low." The only reference to battery failure is at Col. 17, lines 4-6: "Meter status information includes indications of customer tampering, low battery, or other indications of a need for servicing." This statement is part of the Prior Art section which begins at Col. 16, line 17. It is part of the description of how a power company may remotely read a power meter, shed power, etc. through the telephone system. The notification of low battery is to the power company, not to the customer. The battery is in the meter transmitter and would have to be serviced by the power company. There is no notice to the customer. The customer could not change the battery anyway since that would be considered tampering with the meter.

The Examiner also alleges that: "Garland allows service providers the ability to control customer electric loads as a means of forestalling brownout and blackout situations by notifying user that power has been temporarily shut off." As noted above, Garland does provide a system by which a power company can remotely shut off power to a customer's air conditioner. It also allows a voice message to be sent to the customer informing the customer of what has happened. However, the message to the customer is not a means by which the power company shuts off the power. The message is simply a notification that the air conditioner has been intentionally turned off, not that there has been a power failure. It is simply a voice message, like any other voice message, sent over the telephone lines. It has nothing to do with loss of power in a DSL type system in the customer premises which generates a signal on the customer premises to inform the customer of a power failure in his telephone system.

Atty Dkt: IDF 1499

Patent
4000-02500

Thus, Bridger provides no teaching concerning notifying a customer that power to a DSL phone system in its house has been lost, because the system automatically switches to POTS service if customer premises power fails. Garland provides no teaching concerning a phone system which could lose power at all because it is a POTS system, much less any teaching of a system for notifying a customer that power to the phone system has been lost, because customer premises power does not power his telephone and loss of customer premises power has no effect on the telephone service. There is no suggestion in either Bridger or Garland to combine the references. There is no realistic way they can be combined. No combination of the two references resembles the present invention. As a result, the Applicant submits that Claims 1-25 are patentable over the Bridger and Garland references.

Office Action Section 2:

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Bridger U.S. Patent 6,272,209 in view of the Allport U.S. Patent 6,480,578. The Examiner alleges that it would have been obvious "...to modify the invention of Bridger to alert user as taught by Garland for the purpose of notifying user that power has been interrupted."

The Applicant submits that there is no teaching in the references, individually or in combination, which would suggest to one skilled in the art that their teachings would desirably be combined to provide the teaching of the present Application. In addition, the Applicant submits that there is no combination of the cited references which would correspond to or make obvious the presently claimed invention.

Atty Dkt: IDF 1499

Patent
4000-02500

The references cited by the Examiner are directed to different types of telephone systems and/or solutions to different types of problems. The teachings of Bridger have been discussed above.

The Allport reference provides a system by which public authorities may use a telephone system to send to individual customer premises a notification or warning of a pending or imminent danger to the public, for example a tornado or gas leak. The system includes a separate and independent alarm/notification device connected in parallel to telephone lines for receiving coded signals over telephone lines and sounding an alarm like a smoke detector. The alarm may include flashing lights, a buzzer, a text message, or a prerecorded or synthesized voice message generated. The alarm/notification device may likewise generate an alarm signal when it loses AC power and/or when its battery is low.

However, the Allport system is not part of the customer premises telephone system. It has nothing to do with sending or receiving voice communications over the customer's telephones. The Customer premises telephones are connected directly to the tip and ring wires, see Fig. 5, and operate as if the alarm/notification device was not connected to the lines. While Allport suggests that the alarm/notification device may be incorporated into a telephone, answering machine, etc., Allport does not teach or suggest that it would (1) monitor any condition of the telephone system and provide an alarm if the telephone system power supply fails or (2) provide a warning on the telephone lines that there is a power failure in either the alarm/notification device or the telephone system.

Atty Dkt: IDF 1499

Patent
4000-02500

The Examiner noted that: "Bridger does not explicitly show status of a customer premises and the telephone controller activating a warning signal that the AC power has failed." The Examiner then asserts that "Allport teaches a telecommunications system that notifies user of AC power failure by sending user signal from telephone company." The Allport system monitors only the status of power to the alarm/notification device, not to the telecommunications system in the user's premises. The alarm/notification device generates an alarm signal in event of AC power or battery failure, and generates a visible or audible warning internally and through its own transducers. It does not send or receive any signals relating to AC power or battery failure through any telephone lines.

Bridger does not teach or suggest that a warning or even a notification should be made to the user when there is an AC power failure in a DSL customer premises telephone system. Bridger does not suggest or imply that there would be any benefit in doing so since Bridger automatically takes care of the problem by switching to POTS service. As a result, there is no motivation, much less suggestion, that the Bridger teaching should be combined with a reference concerning notifying a user of loss of power in the user's telephone system. Allport has nothing to do with providing power to a customer premises telephone system. Allport is only concerned with a separate alarm/notification device for receiving warnings of public danger and sounding an alarm, which alarm is not associated with the telephone system in any way. While the alarm/notification device provides a warning in event of power failure in the alarm/notification device, that power failure would not necessarily have anything to do

Atty Dkt: IDF 1499

Patent
4000-02500

with the telephone system, e.g. if it is POTS service, and the warning is not provided over telephone lines.

Thus there is no motivation to combine Bridger and Allport as suggested by the Examiner. If such a combination was attempted, it would not result in a system as claimed by the Applicant. As a result, the Applicant submits that Claims 1-25 are patentable over the Bridger and Allport references.

The Applicant has shown that the pending Claims 1-25 are patentable over the two combinations of references applied by the Examiner. Allowance of Claims 1-25 is respectfully requested.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 3-16-04

5700 Granite Parkway, Suite 330
Plano, Texas 75024
Telephone: (972) 731-2288
Facsimile: (972) 731-2289


Albert C. Metrailler
Reg. No. 27,145

ATTORNEY FOR APPLICANT